

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

Writ Petition No. 19421 of 1998

1. M.A.Saleem
S/o Mohammed Ibrahim
Aged about 41 years
Occ: Agriculture
2. Rehana Begum, W/o M.A.Saleem
Aged about 35 years
Occ: Agriculture

both are residing at
Mylur, Bidar

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.. PETITIONERS

(By Sri Ashok Patil, Advocate)

- Vs -

1. The State of Karnataka
by its Secretary
Revenue Ministry
Vidhana Soudha, Bangalore
2. The Assistant Commissioner
of Bidar
Bidar
3. Mohammed Ishaq
S/o Mohammed Balaruddin
Age: Major, Occ: Contractor
R/o Gandhinagar, Mylur
Bidar
4. Anantharam, S/o Sangappa Idigar
Age: Major, Occ: Agriculture
R/o Gandhinagar, Mylur
Bidar

.. RESPONDENTS

(By Sri B.E.Kotian, Addl. Government Advocate)

This writ petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the order vide Annexure-D dt. 19.5.98 by R2 and etc.

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This petition coming on for preliminary hearing this day, the Court made the following:-

ORDER

Sri B.E.Kotian, learned Government Advocate is directed to take notice for respondents-1 and 2.

2. The order impugned is only an order of remand. Further, admittedly the suit filed by the 3rd respondent for specific performance of the terms of the agreement of sale stated to have been entered into between the respondents-3 and 4 is pending consideration before the civil court. The petitioners are parties in the said suit. Ultimately the rights of the parties will have to be settled by virtue of the decree that may be passed by the civil court. In the light of the discussion made above, I do not find any justification to interfere against the order impugned. Accordingly, this petition is rejected.

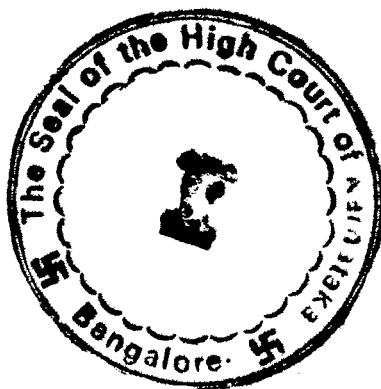
3. However, it is needless to observe that the civil court is required to decide the respective claim of the parties on the basis



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of the evidence that may be placed before it and without being influenced by the entries made in the revenue records and without being influenced by the observation made in the orders impugned. The original authority to whom the matter has been remitted in the impugned order is directed to pass fresh orders as expeditiously as possible and not later than three months from the date of receipt of a copy of this order. Carbon copy of this order may be made available to the Government Advocate.

4. Sri B.E.Kotian, learned Government Advocate is given four weeks' time to file his memo of appearance.



Sd/-
JUDGE

pmg/